

REMARKS

I. Introduction.

Claims 1-15 are pending, and stand rejected. Claims 4 and 8 were objected to because of informalities. Claims 1-5, 7, 8, 10-12, 14, and 15 were rejected under 35 USC Section 102(e). Claims 6, 9, and 13 were rejected under 35 USC Section 103(a).

II. The Objection to Claims 4 and 8.

Claim 4 has been amended as requested. Claim 8 should read that it is dependent from Claim 1 and has been amended accordingly.

III. The 35 U.S.C. Section 102 Rejection.

Claims 1-5, 7, 8, 10-12, 14, and 15 were rejected under 35 U.S.C. Section 102(e) as being allegedly anticipated by U.S. Patent application 2002/0017522 A1.

The Office Action states, among other things, that "Bando et al. disclose in figs. 1, 3, and 13, a container comprising a container body 12, a stationary cover 11, a movable lid 23, a gasket or packing 53 (fig. 13) fitted in a groove, a spring element 50, a [c]locking mechanism or protrusions 32, 33, a push-button means 31a, and a refill opening closed by a removable cover 12."

The Applicants respectfully request that this rejection be reconsidered and withdrawn. A prima facie obviousness rejection has not been established, in particular with respect to the subject matter described in Claim 10. The Office Action has not cited any portion of the reference that is alleged to teach or disclose the subject matter described in Claim 10.

IV. The 35 U.S.C. Section 103 Rejections.

A. The Rejection of Claims 6 and 9.

Claims 6 and 9 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent application 2002/0017522 A1, Bando, et al.

The Office Action states that Bando, et al does not disclose the spring element being a metallic coil spring and the gasket seal being a silicone elastomer. The Office Action states, however, that it would have been obvious to provide the Bando, et al container with a spring element and the gasket seal to be made from the material claimed.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. A prima facie obviousness rejection has not been established.


B. The Rejection of Claim 13.

Claim 13 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent application 2002/0017522 A1, Bando, et al. in view of U.S. Patent 6,206,221 issued to Bando, et al.

The Office Action states that Bando, et al. '522 do not disclose the stationary cover being removable and attachable to the container body by grooves and ribs. However, the Office Action states that Bando, et al. '221 teach a container having a stationary cover being removable and attachable to the container body by grooves and ribs.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. A prima facie obviousness rejection has not been established.

Respectfully submitted,
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